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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

STIPULATION

Defendants, David Hinkel and Jeffrey Smith, and the government, through their respective counsel, hereby stipulate that, subject to the court's approval, the status hearing in the above-captioned matter, presently scheduled for Wednesday, December 12, 2007, at 9:00 a.m., may be continued to Wednesday, December 19, 2007, at 9:00 a.m. The continuance is being requested due to unavailability of David Hinkel's defense counsel.

The parties further agree and stipulate that time should be excluded from and including December 12, 2007 through and including December 19, 2007, to provide counsel reasonable time to prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

Accordingly, the United States and the defendant agree that granting the requested exclusion of

STIPULATION TO CONTINUE HEARING;
[PROPOSED] ORDER

1 time will serve the interest of justice and outweigh the interest of the public and defendant in a
2 speedy trial.

3 Dated: December 7, 2007

4 /s/
5 NICHOLAS P. HUMY
6 Assistant Federal Public Defender

7 Dated: December 7, 2007

8 /s/
9 SCOTT FURSTMAN
10 Defense counsel for Jeffrey Smith

11 Dated: December 7, 2007

12 /s/
13 CARLOS SINGH
14 Assistant United States Attorney

ORDER

15 Good cause appearing and by stipulation of the parties, it is hereby ordered that the
16 sentencing hearing in the above-captioned matter shall be continued from December 12, 2007 to
17 December 19, 2007 at 9:00 a.m. as well as the period of delay from December 12, 2007, to and
18 including December 19, 2007, be excluded for purposes of Speedy Trial Act computations
19 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

20 Dated: December ___, 2007

21 JEREMY FOGEL
22 United States District Judge